

REMARKS/ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

35 U.S.C. § 103(a) Rejections

Examiner rejected claims 1-2, 7-8, 10, 12-14, 16-17, 21-22, and 25-30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,850,036 (hereinafter "Smith") and will be referred to as the '036 patent, in view of U.S. Patent 4,872,205 (hereinafter "Smith") and will be referred to as the '205 patent.

Examiner rejected claims 15, 18-20, 24 and 26-30 under 35 U.S.C. § 103(a) as being unpatentable over '036 patent, in view the '205 patent and further in view of U.S. Patent 5,241,542 (hereinafter "Nataranjan").

Examiner rejected claims 1-2, 7-8, 10, 12-22, and 24-30 under 35 U.S.C. § 103(a) as being unpatentable over Nataranjan in view of U.S. Patent 5,414,731 (hereinafter "Antunnes").

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (Manual of Patent Examining Procedure (MPEP) ¶ 2143.03).

Independent claims 1, 10, 17, 22 and 26 of the present application include limitations not disclosed or taught by '205, '306, Nataranjan, and Antunnes

(herein after collectively referred to as "the references"). As a result, claims 1, 10, 17, 22 and 26 are patentable over the references.

In particular, applicants respectfully submit that the references fail to teach or suggest Applicant's invention as claimed, including, for example, Applicant's claimed limitation of operating a first device at a first hopping frequency *in accordance with a first communication protocol* during a first period of time to communicate with a second device outside a contention free period, and at a second hopping frequency *in accordance with a first communication protocol* during a second period of time to communicate with a third device during a contention free period (emphasis added) as set forth in claim 1 (similar limitation set forth in the remaining independent claims).

Therefore, Applicant respectfully submits that the references used by the examiner to reject applicant's independent claims do not teach or suggest Applicant's invention as set forth in independent claims 1, 10, 17, 22 and 26. As a result, applicant's claims are patentable over the references.

Furthermore, the remaining claims that were also rejected as being unpatentable over the references, depend from one of the independent claims discussed above and therefore also include the distinguishing claim limitations. As a result, the remaining claims are also patentable over the references.

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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